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To: Microsoft ATR
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Microsoft's presence has an absolutely chilling effect on innovation in the computer industry. No startup's business plan is complete without a section on "what if we're actually successful enough that Microsoft notices and squashes us like a bug?" Today, only the largest companies can afford to take any speculative steps towards areas covered by Microsoft's monopoly, because anybody smaller simply cannot afford the risk. This is not simply fair competition; if it were fair competition, a company with a superior product could have a clear chance to gain significant market share. As it is, a company must be careful not to be too superior too soon. The source of Microsoft's threat is not the quality of its products, but the influence it exerts due to its near-total ownership of many aspects of computing.

The proposed settlement is clearly insufficient to remedy this situation. The settlement forbids some, but not all, of the existing practices that Microsoft engages in. Once Microsoft is barred from those, it will quite naturally intensify the remaining monopolistic practices and develop others in areas that the settlement does not cover. In effect, Microsoft's claim of massive innovation will at last be realized!

The whole settlement seems too flawed for me to go through piece by piece to discuss why I disagree with it, but consider for example its attempt to allow companies to develop products that interoperate with Microsoft's OS and middleware platforms. Microsoft still has the ability to change document formats, fail to adequately document the new or existing formats, and can easily change protocols or APIs without notifying ISVs until too late.

Fundamentally, I believe the situation needs to be looked at from an entrepreneur's point of view. The entrepreneur has an idea for a superior product that is similar to something Microsoft sells. Today, he'd have to be utterly insane to risk his time and money in pursuing his idea. If this settlement is accepted, he will only need to be irrational. A quantitative improvement, but not a qualitative one -- the conclusion for a rational person is the same.

-- Steve Fink, a concerned computer professional